

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64756 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- KALYANPUR District- Samastipur

1. Abhishek Kumar S/o Arvind Kumar Singh @ Aravind Singh Village-Mohanpur, P.S- Kalyanpur, District- Samastipur
2. Sunita Devi wife of Arvind Kumar Singh @ Aravind Singh Village-Mohanpur, P.S- Kalyanpur, District- Samastipur
3. Sachin Kumar Son of Arvind Kumar Singh @ Aravind Singh Village-Mohanpur, P.S- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Amar Kumar Singh, Advocate
For the Opposite Party : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Amar Kumar Singh, the learned counsel
for the petitioners and Mr. Anil Kumar, the learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Kalyanpur PS Case No. 106 of 2024, FIR dated
26.04.2024, registered for the offences punishable under
Sections 147, 149, 307 and 379 of the Indian Penal Code.

3. According to the prosecution case, the co-accused
persons came to the house of the complainant / informant and
assaulted the complainant / informant and his family members.
It is further alleged that one Vivek Kumar assaulted on the head



of the wife of complainant / informant by means of iron-rod due to which she suffered injury and they took Rs. 92,000/- (Rupees ninety-two thousand only) cash and golden ear ring worth Rs. 16000/- (Rupees sixteen thousand only) from the ear of his wife.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that complainant / informant and father of petitioner nos. 1 and 3 are own brother and bare perusal of the complaint petition / FIR, it appears that date of occurrence as alleged in the complaint petition is on 15.09.2023, but the present complaint petition has been filed on 10.10.2023, after a delay of about 25 days and without annexing the medical evidence, which suggests that anyone has received the injury in the present occurrence and the present complaint petition has later been converted into FIR. He further submits that due to admitted land dispute the present occurrence has taken place and although the petitioners are named in the FIR, but there is no specific allegation of any assault or overt act attributed against these petitioners, rather the specific allegation of assault is attributed against the co-accused person namely, Vivek Kumar.

5. The learned Additional Public Prosecutor for the



State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, both the parties are agnates and there is no specific allegation of any assault or overt act attributed against these petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur, where the case is pending in connection with **Kalyanpur PS Case No. 106 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.



(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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